

SBM STATE BAR OF MICHIGAN

p (517) 346-6300
p (800) 968-1442
f (517) 482-6248

Michael Franck Building
306 Townsend Street
Lansing, MI 48933-2083

www.michbar.org

ANIMAL LAW SECTION

CHAIR
ANNA ROSE STERN
124 W. Allegan St. Ste. 700
Lansing, MI 48933

CHAIR-ELECT
ANNA MARIE SCOTT
147 S. Main Street
Eaton Rapids, MI 48827

SECRETARY
JENNIFER PIERCE

TREASURER
BEATRICE M.
FRIEDLANDER

COUNCIL
PAMELA AMATO
OKEMOS
DONALD R. GARLIT
CANTON
MARY ANN KOZLOWSKI
BLOOMFIELD HILLS
DENISE N. MASSEY
GOBLES

ALICE ANNA PHILLIPS
ALEXANDRIA, VA
BRANDON MICHAEL
SCOTT

EATON RAPIDS
AMY C. SLAMEKA
DETROIT
SHARON NOLL SMITH
BLOOMFIELD HILLS
SUZANNE CULLITON
STEPHAN

ANN ARBOR
DAVID J. WALLACE
ALEXANDRIA, VA

IMMEDIATE PAST CHAIR
KIERAN PATRICK MARION
111 N. WABASH #1010
CHICAGO, IL 60602

COMMISSIONER LIAISON
JULIE L. FERSHTMAN
FARMINGTON HILLS

THE ANIMAL LAW SECTION COUNCIL

Respectfully submits the following position on: **HB 5655 and 5656**

The Animal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest. The position expressed is that of the Animal Law Section only and is not the position of the State Bar of Michigan. The total membership of the Section is approximately 140. The position was adopted by email vote conducted February 8-9, 2010. The number of members in the decision-making body is 15. The number who voted in favor of this position was 12, who voted opposed to this position was 0, and who did not vote was 3.

February 10, 2010

Representative Mark S. Meadows
Chair, House Judiciary Committee
Lansing, MI 48909-7514

Via Telefax: (517) 373-7158

Dear Representative Meadows,

An important purpose of the Animal Law Section of the State Bar of Michigan is to advocate for responsible, humane, and ethical treatment and care of animals.

Both HB 5655 and 5656 involve the crime of animal fighting which is a serious social problem in many areas of the state, and is an activity which is inherently cruel to the animals involved. These bills will provide more effective tools to combat a crime which is well-financed and lucrative. Several Section members who prosecute these cases have worked to develop these bills.

HB 5655 strengthens existing forfeiture provisions by allowing forfeiture of the property of a person involved in animal fighting, by eliminating existing exemptions for a spouse's primary residence, and by eliminating the requirement that a prosecutor reimburse the owner for certain costs if the prosecutor does not meet the burden of proof. HB 5656 amends the Michigan Penal Code Chapter "Criminal Enterprises," 750.159g *et al* to include animal fighting as a predicate offense for the racketeering provisions of that Chapter.

Organized animal fighting is a secretive industry, involves other criminal activity, and often is attended by children. When an operation is raided, there are generally large numbers of animals who must be housed and provided with medical care and kept as evidence in the ensuing prosecution – and many of whom are ultimately euthanized. Given these factors, it is our judgment that the measures proposed in these bills are appropriate in combating an industry which results in extreme cruelty to animals and related social ills; and are a measured response which will aid in ongoing efforts to bring organized animal fighters to justice.

Thank you for considering our opinion. Please contact me if the Section can be of additional service as you consider these bills. My email is: annamscott@gmail.com

Very truly yours,

Anna M. Scott by email with permission
Anna M. Scott, Chair

cc: Representative John Espinoza, via Telefax (517) 373-9876